

Captain Nicholas Leone  
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February 7, 2002

Docket Management System  
U.S. Department of Transportation  
Room Plaza 401, 400 Seventh Street S.W.  
Washington, D.C. 20590

Re: Docket #FAA-2001-10999

Dear Sir or Madam:

As a Captain with USAirways with 15 years seniority I find this rule to be a violation of my constitutional rights due to its lack of due process.

Nowhere in this provision is relief spelled out for current employees with SIDA access to retain such access with a court ordered expungement or pardon of one of the 28 disqualifying events.

In the section-by-section analysis, page 63478 Federal Register/Vol.66. No. 235/Thursday, December 6, 2001/ Rules and Regulations 107.209 (h), "New paragraph (i) (1) (i) permits the airport operator to accept a certified true copy of the record from the appropriate court. For example, if the FBI record indicates that the individual was convicted, but does not also show that the conviction was reversed on appeal, the individual may obtain a certified true copy of the court record of that ruling. **If the individual corrects the information on the CHRC or provides a certified true copy of the information from the appropriate court, the individual's authority may be reinstated.**

While this example was given in the section-by-section analysis, no mention was made for **expungement** or pardons. Which is also court ordered and recognized by the Federal Government. One example is Title 18, Part I, Chapter 44, Sec. 921. Specific mention needs to be made to these other two court orders that provide constitutional rights of due process by law.

Furthermore, the FAA has already approved my pilot's medical certificate with full knowledge of the conviction. Also I have performed flawlessly for the past 15 years as a pilot and employee with the FAA and the Company's full knowledge of the prior conviction and expungement. I provide a stable and loving home for my wife, my child and I support my mother. But under this rule, my access to the flight line and livelihood of my family are in ruins.

Therefore, the rule should at a minimum provide a procedure for due process of expungement and pardons of convictions.

I appreciate the opportunity to comment and respectfully request that my comments be adopted by appropriate amendments to the rule.

Sincerely,

Captain Nicholas Leone